REMARKS

Rejections Under 35 USC 112

Within the Office Action, claim 60 was rejected under 35 U.S.C. 112,
second paragraph as being indefinite because claim 60 was dependent on a
cancelled claim.   Presently, Claim 60 is currently amended to overcome this
rejection. Accordingly, the issues with regard to 35 U.S.C. 112 are overcome.

Claim Objections

Also within the Office Action, claims 19-29 were objected to for a number of
informalities.   Claim 19 is currently amended to overcome this objection.
Likewise, claims 20-29 contain this amendment by reference.   Therefore, the
objections to 19-29 have been overcome.

Rejections under 35 USC 102

Also within the Office Action, Claims 1, 4-10, 18-20 and 27-29 were
rejected under 35 U.S.C. 102(a) as being anticipated by United States Patent
Application Serial Number 2002/0133502 to Rosenthal (hereinafter referred to as
"Rosenthal"). The Applicant respectfully traverses this rejection because Claims
1, 4-10, 18-20 and 27-29 contain additional limitations that are not present in
Rosenthal. Specifically, Rosenthal does not teach "creating, at least periodically,
one or more affinity groups for said users responsive of each of said
corresponding user profile, each of said one or more affinity groups having at least
one user profile in an affinity group" and "associating each user profile with at
least one affinity group".

Rosenthal teaches a method of collecting participant replies which provide
information· of particular interest to the participant, wherein the replies are
provided in response to questions selected by an overseer and wherein the
questions are grouped into question sets addressing particular information sought.
However, Rosenthal does not teach or even suggest an association with affinity

groups which are based on user profiles. In fact, nothing in the paragraphs cited by the Examiner even remotely suggest association with at least one affinity group.

The only grouping suggested by Rosenthal is that of the grouping of questions. In paragraph [0028] Rosethal does suggest the presentation of an initial list of the same questions to "all persons or to a groups of persons" however, no teaching is made of the creation of an affinity group that is based on one or more user profiles. It is true that Rosenthal suggests in paragraph [0135] the comparison of "the individual replies against matched population groups" however, this is specifically to "examine and improve courses of treatment by extrapolating relevant data" and does not remotely suggest the teachings on the invention in the Application, where affinity groups are created, or participants added to a group. Moreover, nothing in Rosenthal suggests that new affinity groups, or for that matter new matched population groups are created responsive of a participant creating a profile. We further disagree with the Examiner that Rosenthal teaches that the subsequent question or sequence of questions is a result of both an answer to a previously answered question as well as the affinity group to which the participant is associated with.

As we noted above, Rosenthal does not teach the creation of affinity groups or the adding of an individual participant to a matched group. Nothing in Rosenthal suggests that a sequence of questions presented to a user would change as a result of the participant being identified as belonging to a certain matched group. We further note that in Fig. 6b Rosenthal notes that "[q]uestion branching is determined by matching the previous question reply to the appropriate reply id column (simplest form). More complex matching is achieved by function calls attached to each question within the Call Flow DB." Furthermore, in paragraph [0029] Rosenthal specifically notes that "[b]ranching for navigating to at least some questions need not be determined simply by coding, and theoretically, any question in the database may be selected based on processing of one or more answers to prior questions." This is further repeated in paragraph

[0126]. It is hence quite clear that Rosenthal does not provide a solution for reaching all questions in the database and acknowledges this, as far as Rosenthal is concerned, to be a theoretical issue, and hence lacks any kind of teaching whatsoever. Moreover, Rosenthal clearly admits that the only way to select a subsequent question is based on the response to a previous answer, and does not teach any kind of influence on the selection of subsequent questions based also on a determined affinity group.

In addition Rosenthal states in paragraph [0024] that "[a] respective overseer participates in the collection of information from a respective person. The overseer may participate in the selection of initial questions, or in the selection of subsequent questions based on answers to initial questions, or both." Hence, it is clear that in at least one of the stages there is a need to have an overseer involved in the presentation of the sequence of questions to the participant, which is also clear, for example, from independent claims 1, 11, and 12.

Rosenthal does not teach creating affinity groups at any stage of the processing. Rather, if at all, they associate a profile with a preexisting profile. On the contrary, the system and method of the present invention continuously creates new affinity groups and creates them in response to the entering of a user profile, not as a predetermined structure. Claim 1 of the Applicant's present invention discloses this limitation explicitly and claims 4-10, 18-20 and 27-29 contain the limitation by reference to claim 1. For at least this reason, claims 1, 4-10, 18-20 and 27-29 are allowable over Rosenthal.

Rejections under 35 USC 103

Also within the Office Action, Claims 11, 13-15, 21-26, 30, 48-49, 51, 57-58, 60, 62, 92-93 and 96-98 were rejected under 35 U.S.C. 103 for being unpatentable over Rosenthal in light of United States Patent Number 6,618,734 to Williams et al. (hereinafter referred to as "Williams"). The Applicant respectfully traverses this rejection because the Applicant's present invention contains additional limitations not found in either Rosenthal or Williams. Specifically,

neither reference discloses "creating, at least periodically, one or more affinity groups for said users responsive of each of said corresponding user profile, each of said one or more affinity groups having at least one user profile in an affinity group" and "associating each user profile with at least one affinity group". As

5   explained above, Rosenthal clearly does not contain this limitation.

Likewise, nothing in Williams suggests the creation of a new affinity group. We further note that nothing in column 2 lines 50-65 suggests the creation of a new affinity and further note to the contrary that Williams states that the system "... evaluate[s] the candidate information to determine which candidates best

10 satisfy the client's prerequisites." (column 2, lines 63-65). This is the clearest admission that Williams does not intend to create new affinity groups because there is no need to do so in accordance to the Williams system. Rather, candidates are fit to prerequisites of a client. The most careful examination of column 3 lines 30-55 does not result in any kind of understanding the Williams

15 creates new affinity group in response to a user answering a question. To the contrary, it is specifically stated that the "... interview questions are formulated based on the consultation, they are administrated to individuals currently holding the position who are considered to be performing at a high level." (column 3, lines 49-52). Again, the only conclusion from this is that the questions are targeted to

20 fit a candidate with a single group, i.e., responsive of questions answered by a participant, the questions being specifically tailored for a particular position, a person may either match or not with that group. Nothing however is suggested that a new group is created that may involve others who may have also answered the questions and now create a new affinity group. We have carefully reviewed

25 the text of Williams in column 6 lines 30-35 and 50-60 and fail to understand why Examiner suggests that new affinity groups are suggested there. In fact, Williams specifically notes that "[c]andidates who do not meet the client's prerequisites are asked to retry communicating at a time when they will be able to provide the necessary data." (column 6, lines 31-34). No attempt whatsoever is made to even

30 try and create a new affinity group from profiles that may exist in the Williams

system in order to potentially find a different fit for the participant. The most careful reading of column 7 lines 5-25 does not reveal any suggestions by Williams to create new affinity groups. Lastly Examiner suggests that the Best Match candidates (see column 8, lines 15-50) is an affinity group that is created in

5   accordance with the principles of the disclosed invention. However, this is clearly not the case. According to Williams a filter is applied to create a list of candidates that fit a predefined group. According to the Examiner this is an affinity group, however, this is not a new affinity group but rather an existing one, hard coded into the system. Then, this very same affinity group that contains a list of users is

10 ranked by "... conducting a suitability evaluation of the Best Match candidates... Candidates who are not considered to be in the category of Best Match are notified that they will receive no further consideration for the position..." (column 8, lines 31-37). Nothing is suggested by Williams that a new affinity group is thereby created rather, a sub-group of the same affinity group is used for their purposes.

15 Certainly no comparison is made between profiles that are outside of the profiles within the specific affinity group which is one of the major advantages of the invention in the application. Moreover, nothing in either Williams or Rosenthal, or a combination thereof, suggests the periodic creation of a new affinity group. On the contrary, Claim 1 and 30 teach this limitation explicitly and claims 11, 13-15,

20 21-26, 48-49, 51, 57-58, 60, 62, 92-93 and 96-98 contain the limitation by reference to claim 1 and 30.

For at least this reason, the rejections based the hypothetical combination of Rosenthal and Williams fail to disclose all of the claim limitations of claims 11, 13-15, 21-26, 30, 48-49, 51, 57-58, 60, 62, 92-93 and 96-98. Therefore, in view of

25 the above explanations as well as a suggested amendment the Examiner's rejection should be withdrawn and the claim allowed.

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Conclusion

In view of the foregoing, the application was deemed to be in allowable condition and the Applicant respectfully requests that the Examiner withdraw her rejections and issue Notice of Allowance such that the application may timely pass to Issuance as United States Letters Patent.

Should the Examiner find it helpful, she is encouraged to contact Applicant's attorney, Michael A. Glenn at (650) 474-8400.

Respectfully submitted,

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